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4 RANDY DEWAYNE PITTMAN,
5 Plaintiff,
6 v.
7 WELLS FARGO, N.A., et al.,
8 Defendants.

9 Case No. [22-cv-05000-JSW](#)

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12 **ORDER OF DISMISSAL**

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16 **INTRODUCTION**

17 Plaintiff, an inmate in the Santa Clara County Jail proceeding pro se, filed this pro se civil
18 complaint against a bank and credit card company. He is granted leave to proceed in forma
19 pauperis in a separate order. For the reasons discussed below, the case is DISMISSED for failure
20 to state a cognizable claim for relief.

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24 **STANDARD OF REVIEW**

25 Federal courts must engage in a preliminary screening of cases in which prisoners seek
26 redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C.
27 1915A(a). In its review the court must identify any cognizable claims, and dismiss any claims
28 which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek
monetary relief from a defendant who is immune from such relief. *Id.* at 1915A(b)(1),(2). Pro se
pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th
Cir. 1990).

29 Federal Rule of Civil Procedure 8(a)(2) requires only "a short and plain statement of the
30 claim showing that the pleader is entitled to relief." "Specific facts are not necessary; the
31 statement need only ""give the defendant fair notice of what the . . . claim is and the grounds upon
32 which it rests.""" *Erickson v. Pardus*, 127 S. Ct. 2197, 2200 (2007) (citations omitted). Although

1 in order to state a claim a complaint "does not need detailed factual allegations, . . . a plaintiff's
2 obligation to provide the 'grounds of his 'entitle[ment] to relief requires more than labels and
3 conclusions, and a formulaic recitation of the elements of a cause of action will not do. . . .
4 Factual allegations must be enough to raise a right to relief above the speculative level." *Bell*
5 *Atlantic Corp. v. Twombly*, 127 S. Ct. 1955, 1964-65 (2007) (citations omitted). A complaint
6 must proffer "enough facts to state a claim for relief that is plausible on its face." *Id.* at 1974.

7 DISCUSSION

8 Plaintiff makes various claims that Defendants breached their contract with him. He
9 makes no claim for the violation of federal law. Plaintiff and Defendants all reside in California
10 (the addresses he provides for Defendants are in California). Consequently, this Court has neither
11 federal question jurisdiction, *see* 28 U.S.C. § 1331, nor diversity jurisdiction, *see* 28 U.S.C. §
12 1332, over Plaintiff's claims. This case must be dismissed without prejudice to Plaintiff bringing
13 his claims in a court of competent jurisdiction.

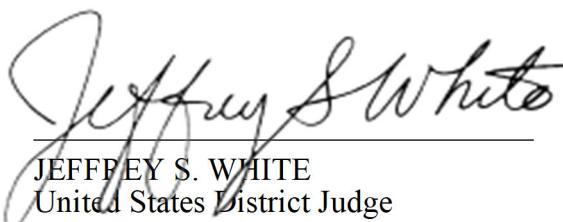
14 CONCLUSION

15 For the foregoing reasons, the case is DISMISSED without prejudice for lack of subject
16 matter jurisdiction.

17 The Clerk shall enter judgment and close the file.

18 **IT IS SO ORDERED.**

19 Dated: January 3, 2023



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JEFFREY S. WHITE
United States District Judge